

**Fire Safety Code Board
Of Appeal and Review
Hearing Minutes for February 10, 2009**

The Rhode Island Fire Safety Code Board of Appeal & Review met at their headquarters located at 1 Regan Court, Varley Building #46, in Cranston, RI on Tuesday, February 10, 2009 at 1:00 P.M. Present were Chairman Coutu, Vice Chairman Newbrook and Commissioners Dias, Pearson, Walker, Jasparro and Preiss. Commissioners Jackson, Richard, Filippi and Blackburn were absent. Also present were Executive Director Thomas Coffey and Deputy Director Carol Marsella. The following cases were heard.

APPEAL #060691, 060692: Compliance Director Kathleen Sandberg for the tenant, and property owner Mr. Roy A. LaCroix, for the property located at 25 Blackstone Valley Place, Lincoln. DSFM Arthur DaCosta appeared for the State Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioners Dias and Jasparro, to grant the following relief. The Applicants are granted a variance from the provisions of section 7.2.2.3.2.2 for the width of the exit stairways based on structural hardship. The Applicants are granted a variance to allow them to install heat detection or sprinkler heads in the spaces above the suspended ceilings over the day care occupancy only. The applicants are directed to correct all other outstanding deficiencies and are granted a time variance of thirty days in which to present plans to the State Fire Marshal's office for

approval, and an additional 120 days from that approval date in which to implement those plans, all work to be done at the direction and to the satisfaction of the State Fire Marshal's office. The motion was unanimous.

APPEAL #090037: Arpine Jerejian, for the property located at 161 Douglas Avenue, Providence. ADSFM Richard Fournier and ADSFM Richard Silva appeared for the Providence Fire Marshal's office. It was the testimony of the Applicant that this facility will not be operated as a nightclub, therefore the two deficiencies noted by the Providence Fire Marshal's office are moot. The Applicant is directed to devise a plan of action for the operation of this facility as a billiards hall with liquor service. Commissioner Walker made a motion, seconded by Commissioner Preiss and Vice Chairman Newbrook, to keep this file open while this plan of action is being developed by the parties. The motion was unanimous.

APPEAL #060229: Darya and John Prassl, for the property located at 146 Boston Neck Road, North Kingstown. ADSFM Gordon Walsh appeared for the North Kingstown Fire Marshal's office. Commissioner Dias recused himself from consideration of this case. Commissioner Walker made a motion, seconded by Commissioner Pearson, to approve the Applicant's plan to reduce the guests in this bed and breakfast facility to 4-6 guests only. The applicant is directed to submit a plan of action, for the correction of any deficiencies that exist under this new occupancy, to the North

Kingstown Fire Marshal's office within thirty days. The Applicant is granted an additional 120 days in which to implement this plan of action. The North Kingstown Fire Marshal is authorized to extend any of the above timelines for good faith efforts being made by the Applicant. The motion was unanimous.

APPEAL #060729: Lischio Enterprises, for the property located at 165 Namcook Road, North Kingstown. ADSFM Gordon Walsh appeared for the North Kingstown Fire Marshal's office. Commissioner Pearson made a motion, seconded by Vice Chairman Newbrook, to grant the Applicant a time variance of thirty (30) days in which to submit for approval a plan of action for the correction of the outstanding deficiencies in this facility and an additional 120 days for the implementation of the plan of action. The North Kingstown Fire Marshal is authorized to extend the above time variance for good faith efforts being shown by the Applicant. The motion was unanimous.

APPEAL #060827: Lischio Enterprises, for the property located at 660 Devil's Foot Road, North Kingstown. ADSFM Gordon Walsh appeared for the North Kingstown Fire Marshal's office. Commissioner Preiss made a motion, seconded by Vice Chairman Newbrook, to grant the following relief. The Board affirmed the Applicant's contention that there is no CO detection required for this facility as there is no appliance located within this facility that would cause the presence of carbon monoxide. Commissioner Preiss made a motion, seconded by Vice Chairman Newbrook, to grant the Applicant a time variance of

thirty (30) days in which to submit for approval a plan of action for the correction of the outstanding deficiencies in this facility and an additional 120 days for the implementation of the plan of action. The North Kingstown Fire Marshal is authorized to extend the above time variance for good faith efforts being shown by the Applicant. The motion was unanimous.

APPEAL #060847: High Lea Properties, for the property located at 5941-5955 Post Road in North Kingstown. ADSFM Gordon Walsh appeared for the North Kingstown Fire Marshal's office. Testimony was offered by the Applicant that the space in question is currently operated by Dave's Marketplace, who will vacate the property once their new facility in Quonset is completed, at which time their operations will move from the Post Road facility to the new location. Vice Chairman Newbrook made a motion, seconded by Commissioner Jasparro, to grant the Applicant a time variance, until re-occupancy of the facility, to correct the two (2) outstanding deficiencies in this space, unless the new tenants wish to reconfigure the space, at which point new plans would need to be submitted to the North Kingstown Fire Marshal for approval. The motion was unanimous.

APPEAL #060789: David Baptista, Esq., for the property located at 1 Ocean Avenue, New Shoreham (building d). DSFM David Cionfolo appeared for the State Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioner Dias, to approve the Applicant's plan of action for that facility. The motion

was unanimous.

APPEAL #060790: David Baptista, Esq., for the property located at 1 Ocean Avenue, New Shoreham (building c). DSFM David Cionfolo appeared for the State Fire Marshal's office. Commissioner Walker made a motion, seconded by Vice Chairman Newbrook, to approve the Applicant's plan of action for that facility. The motion was unanimous.

APPEAL #060791: David Baptista, Esq., for the property located at 1 Ocean Avenue, New Shoreham (building b). DSFM David Cionfolo appeared for the State Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioner Walker, to approve the Applicant's plan of action for that facility. The motion was unanimous.

APPEAL #060840, 060897: Mr. Stanley Nyzio, for the properties located at 54 Dodge Street and 62 Dodge Street in New Shoreham (Gables Inn and Gables II). Deputy State Fire Marshal Arthur DaCosta appeared for the State Fire Marshal's office. The Applicant failed to appear. The Applicant's attorney notified the Board by telephone that she was out of the country and had not been notified by her client of the February 10, 2009 hearing date. Therefore, the Board directed the Applicant to provide his plan of action for the correction of the deficiencies in the two facilities to the State Fire Marshal's office no later than March 3, and to appear at a hearing before the Board on

March 24, 2009 for the Board's vote on that plan of action.

APPEAL #070412 Ms. Barbara Butler, for the property located at 231 Water Street in New Shoreham. DSFM James Moore appeared for the State Fire Marshal's office. Commissioner Walker was not present for this hearing. Commissioner Preiss made a motion, seconded by Commissioners Jasparro and Dias, to approve of the Applicant's plan to reduce this facility to a bed and breakfast occupancy, allowing her an occupancy of seventeen (17) guests, rather than the sixteen-guest cap allowed for B & B occupancies. The Applicant is granted a time variance of thirty (30) days to present her plan of action for the correction of any deficiencies that exist under this B & B occupancy classification as well as any other outstanding deficiencies that exist elsewhere in the building, and an additional 120 days in which to implement this plan of action. The motion passed over the objection of Commissioner Pearson, and noting the objection of the State Fire Marshal's office.

Under old business, Commissioner Pearson made a motion, seconded by Vice Chairman Newbrook, to approve the subcommittee's recommendations from the appeals heard by that subcommittee on February 5, 2009. The motion was unanimous.

Also under old business, Vice Chairman Newbrook made a motion, seconded by Commissioner Pearson, to approve the subcommittee's recommendations presented at the on-site review of the facility

located at 137 Anan Wade Road in North Scituate. The motion was unanimous.

Respectfully submitted,

Carol Marsella

Deputy Director